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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,700	10/17/2005	Atsushi Murashima	G0126.0242	1998
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DICKSTEIN SHAPIRO LLP				
1633 Broadway				
NEW YORK, NY 10019				
EXAMINER				
ABEBE, DANIEL DEMELASH				
ART UNIT		PAPER NUMBER		
2626				
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08/11/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/553,700

**Applicant(s)**

MURASHIMA, ATSUSHI

**Examiner**

Daniel D. Abebe

**Art Unit**

2626

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 5, 9, 13, 14 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 9, 13, 14, 23-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments filed on May 27, 2009 have been fully considered but they are not persuasive.

The present invention is related to a code conversion of an audio signal. As admitted in the background of the application, the invention is a modification of the prior art which converts an audio signal that has been encoded at encoding method 1 to an audio signal encoded at encoding method 2. however the prior art includes, after the decoding, a detection step for determining a non audio (noise) section. the modification is to avoid this extra step by including information in the encoded data. applicant argument asserting Suzuki doesn't teach the step of decoding the first encoded signal is not persuasive. because according to Suzuki the invention is an improvement over the prior art where decoding is performed in the code conversion process.

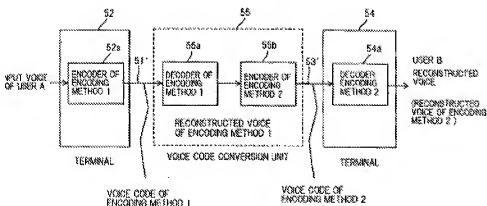
Specifically Suzuki Explains

**"In the prior art, the input is a reproduced voice obtained by decoding a voice code that has been encoded in accordance with encoding method 1, and, the reproduced voice is encoded again in accordance with encoding method 2 and then is decoded. As a consequence, since voice parameters are extracted from reproduced voice in which the amount of information has been reduced slightly in comparison with the source owing to the re-encoding (i.e., voice-information compression), the voice code obtained thereby is not necessarily the optimum voice code. By contrast, in accordance with the code conversion**

apparatus of the present invention, the voice code of encoding method 1 is converted to the voice code of encoding method 2 via the process of dequantization and quantization. As a result, it is possible to carry out voice code conversion with much less degradation in comparison with the conventional tandem connection. An additional advantage is that since it is unnecessary to effect decoding into voice in order to perform the voice code conversion, there is little of the delay that is a problem with the conventional tandem connection"

(Col.11, line 60-Col.12; Fig.33)

*FIG. 33 PRIOR ART*



so one can clearly see that the step of decoding could be performed in Suzuki teaching after the signal had been dequantized without changing the scope positively.

However, it should be noted that, the inventive step in the present application according to the background of the disclosure is the step of "judging whether the encoded signal is audio or noise from the code string prior to decoding the encoded signal" and the examiner contends this step is performed in Suzuki by the code separation unit (81) where the code information including noise codes representing

noise components are first determined/judged using information found in the encoded (pre-dequantized) code string then dequantized according to the information found and converted into second code string of an encoding method 2.

therefore the examiner maintain the rejection of the present application by Suzuki for the foregoing reasons.

The rejection of claims 9, 25, 26 and 29 under 101 has been withdrawn as a result of the amendments.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 9, 13-14 and 23-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (7,222,069).

As to claims 1 and 27, Suzuki teaches a code conversion method (Fig.1) of receiving a first code string encoded in a first encoding method and converting the first code string into a second code string comprising:

A first step of receiving a code string, where the code string includes voice codes and noise codes, judging the codes in order to separate them (81) into the respective

code converters, where noise sections are determined based on a noise code and voice code are determined based on voice code found in the first code string; a second step of dequantizing the codes according to the result, a third step converting the codes of the audio signal using the respective voice code converter and noise code converter (82-85) into a second code string different from the first code string and multiplexing the code converted string to a second encoder (Figs.1-3, 20-22, 33; Col.10, line 60-Col.11, line 25)

With respect to claims 5, 9, 28 and 29 the corresponding computer readable medium and code conversion device for performing the steps of converting a first encoded string into a second encoding string as claimed in method claim 1 is analogous and therefore rejected by Suzuki for the foregoing reasons.

As to claims 13-14 and 23-26, Suzuki teaches where the first and the second encoding methods are different but the system is inherently capable of re-encoding the first code string using the same encoding method.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/  
Primary Examiner, Art Unit 2626